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Chairman: Mr. Kuchinsky ..... (Ukraine)
later: Ms. Groux ..... (Switzerland)
(*Vice-Chairman*)

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The meeting was called to order at 10.30 a.m.

Agenda item 94: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

(a) Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*) (A/59/176)

1. **The Chairman** suggested that the Committee should recommend to the General Assembly that it should take note of the report of the Secretary-General on preparations for and observance of the tenth anniversary of the International Year of the Family in 2004 (A/59/176).

2. *It was so decided.*

3. **Mr. Fox** (United States of America) said that it was his delegation's understanding that the Committee was taking note of the reports consistent with General Assembly decision 55/488.

4. **The Chairman** said that the Committee had thus concluded its consideration of sub-item 94 (a) and of agenda item 94 as a whole.

Agenda item 96: Crime prevention and criminal justice (*continued*)

Draft resolution on international law enforcement assistance network for combating the criminal misuse of information technologies (A/C.3/59/L.20)

5. **Mr. Fox** (United States of America) said that his Government had decided to withdraw the draft resolution. Although it had gained widespread support, a consensus had not been reached on it. He thanked those delegations who had sponsored the draft resolution and said that he was pleased that delegations had supported the idea that the fight against cybercrime required continued attention by the United Nations and by Governments. The 24/7 Cybercrime Point of Contact Network had demonstrated its effectiveness and would be more effective still with wider participation. He encouraged all Governments to consider taking the necessary steps to participate in the Network.

6. *Draft resolution A/C.3/59/L.20 was withdrawn.*

Agenda item 105: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*)

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/C.3/59/L.31)

7. **The Chairman** invited the Committee to take action on draft resolution A/C.3/59/L.31 and drew attention to the programme budget implications relating to the draft resolution in document A/C.3/59/L.63. The following delegations had become sponsors of the draft resolution: Azerbaijan, El Salvador, Indonesia, Nicaragua, Paraguay, Peru, Senegal and Uruguay.

The meeting was suspended at 10.35 a.m. and resumed at 10.50 a.m.

8. **Ms. Olivera** (Mexico) said that, following consultations, the third and fifth preambular paragraphs and paragraphs 1, 4, 6 and 12 of draft resolution A/C.3/59/L.31 had been revised. She read out the revised text, which had been distributed to all delegations. The following delegations had become sponsors of the draft resolution: Bangladesh, Chile, Ghana, Mali, Nicaragua, the Niger, Sri Lanka and Tunisia. All the sponsors were listed in the revised version, which she hoped would be adopted without a vote.

9. **The Chairman** said that the following countries wished to sponsor the draft resolution, as orally revised: Burkina Faso, Cape Verde, Grenada, Guinea, Guinea-Bissau, Morocco, Mozambique, the Sudan and Yemen.

10. *Draft resolution A/C.3/59/L.31, as orally revised, was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

Draft resolution on the question of enforced or involuntary disappearances (A/C.3/59/L.61*)

11. **The Chairman** informed the Committee that the draft resolution had no programme budget implications. The following delegations had joined the

sponsors of the draft resolution: Afghanistan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, the Central African Republic, the Congo, Cuba, the Dominican Republic, Eritrea, Grenada, Haiti, New Zealand, the Niger, Paraguay, South Africa, Timor-Leste, Togo, Turkey and Ukraine.

12. **Mr. Bertoux** (France) announced that the following had also become sponsors of the draft resolution: Albania, Angola, Armenia, Gabon, Guinea-Bissau, Iraq, Mauritius and Serbia and Montenegro. The fact that the number of sponsors had doubled in two years was a clear indication of the widespread support for the draft resolution. The international community could no longer tolerate enforced disappearances, which were a form of organized repression. Impunity further undermined the rights of victims and encouraged those responsible to commit other crimes. Over ten years earlier, the General Assembly had adopted the Declaration on the Protection of all Persons from Enforced Disappearance. It was time to go one step further and establish a legally binding instrument which would enable the international community to fight impunity effectively and provide justice for victims and their families, as well as shed light on the various unresolved cases of disappearances. He hoped that the draft resolution in its entirety would be adopted by consensus.

13. **Mr. Fox** (United States of America) said that he wished to propose amending the seventh preambular paragraph of the draft resolution, as follows: "*Recognizing* that forced disappearance is a crime against humanity under international law and that States and the relevant organs of the United Nations have a responsibility to ensure that those responsible are brought to justice through appropriate domestic or international judicial processes,".

14. **Mr. Bertoux** (France) said that, while taking note of the proposed amendment, his delegation remained committed to the current wording of the seventh preambular paragraph of the draft resolution, which was identical to that agreed at the fifty-seventh session of the General Assembly. He reiterated the importance of fighting impunity, regarding which the International Criminal Court played a key role. His delegation was particularly pleased that the Rome Statute defined enforced disappearance, in certain circumstances, as a crime against humanity. The draft resolution could not, therefore, fail to mention the International Criminal Court. He called on delegations to reject the proposed amendment and hoped that the draft resolution would be adopted by consensus.

15. *A recorded vote was taken on the amendment proposed by the United States of America.*

In favour:

Guinea, Guinea-Bissau, United States of America.

Against:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Senegal, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam.

Abstaining:

Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cape Verde, Haiti, Indonesia, Israel, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Myanmar, Nepal, Pakistan, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Tunisia, Uganda, United Arab Emirates, United

Republic of Tanzania, Yemen, Zambia, Zimbabwe.

16. *The amendment proposed by the United States of America to the seventh preambular paragraph of draft resolution A/C.3/59/L.61* was rejected by 114 votes to 3, with 32 abstentions.**

17. **The Chairman** said he took it that the Committee wished to adopt the draft resolution as a whole without a vote.

18. *Draft resolution A/C.3/59/L.61* was adopted.*

19. **Mr. Rutledge** (United States of America), explaining his delegation's position, said that he appreciated the efforts of the delegation of France to reach a compromise on the seventh preambular paragraph of the draft resolution. The concerns of his delegation remained, however, and it had been compelled to propose an amendment. The international community should use all available and appropriate international, regional and domestic judicial mechanisms to attack the problem of crimes against humanity, including widespread or systemic forced disappearances, and to hold accountable those responsible for such crimes. With respect to paragraph 22 of the draft resolution, his delegation believed that treaty negotiations on human rights instruments should be careful and deliberate, and should aim to produce an instrument that reflected a genuine consensus. Nevertheless, his delegation had been pleased to join the consensus on the draft resolution as a whole.

Draft resolution A/C.3/59/L.41: World Programme for Human Rights Education

20. **Mr. Choi** (Australia) announced that his delegation was withdrawing draft resolution A/C.3/59/L.41 as the report of the Office of the High Commissioner for Human Rights (E/CN.4/2004/93), on which the draft resolution was based, had not yet been released. The draft resolution would, however, be reintroduced as a plenary item in December.

Draft resolution A/C.3/59/L.43 on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

21. **Ms. Pérez** (Cuba), introducing the draft resolution on behalf of the sponsors, said that the text reaffirmed that United Nations action in international cooperation for human rights should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them. It also reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues, and stressed that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends. Lastly, she said that Bangladesh, Burkina Faso, Cameroon, China, Colombia, the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, Indonesia, the Islamic Republic of Iran, Kenya, Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Nigeria, the Russian Federation, South Africa, Sudan, the Syrian Arab Republic, Venezuela, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

22. *Ms. Groux (Switzerland), Vice-Chairman, took the Chair.*

23. **The Chairman** announced that Togo had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/59/L.47 on promotion of a democratic and equitable international order

24. **Mr. Cumberbatch** (Cuba), introducing the draft resolution on behalf of the sponsors, joined by Angola, Burundi, Cape Verde, China, Guinea-Bissau, Eritrea, Ethiopia, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Mali, Myanmar, Pakistan and the Sudan, said that, as a result of free-market globalization, the unipolar world was characterized by a widening income gap and spreading poverty. The draft resolution called for a genuine democratization of international relations. In paragraph 13 of the text, the

* The delegations of Guinea-Bissau, Guinea and Saint Vincent and the Grenadines subsequently informed the Committee that they had intended to vote against the amendment.

words "January 2003" had been replaced by the words "February 2005".

Draft resolution A/C.3/59/L.51 on protection of migrants

25. **Mr. Tinajero** (Mexico) introduced the draft resolution on behalf of the sponsors, joined by Argentina, Bangladesh, Brazil, Colombia, Ecuador, Guatemala, Mali, Paraguay, the Philippines, Senegal, Tunisia and Uruguay. The draft resolution sought to address the question of protection of migrants in a comprehensive manner and from a human rights perspective. It was increasingly important to promote and protect migrants' rights and fundamental freedoms and to combat discrimination against them in order to create truly inclusive societies. To that end, it was necessary to ensure the effective implementation of all the relevant international instruments. The draft resolution placed special emphasis on the labour legislation governing migrants' working conditions and on the questions of violence against migrants and the exploitation that they were subjected to, and called for greater international cooperation and participation in the relevant forums.

Draft resolution A/C.3/59/L.64/Rev.1 on the right to food

26. **Ms. Pérez** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Austria, Bulgaria, Burkina Faso, Cape Verde, Cyprus, Finland, France, Germany, Greece, Guinea, Iceland, Indonesia, Italy, Ireland, Kenya, Lesotho, Malaysia, Nepal, Nicaragua, Norway, the Philippines, Portugal, Saint Vincent and the Grenadines, San Marino, Slovenia, South Africa, Suriname, the former Yugoslav Republic of Macedonia and the United Republic of Tanzania. The draft resolution reaffirmed the existence of a basic right to freedom from hunger, predicated on a range of international provisions on the right to an adequate standard of living. Hunger had been likened to a weapon of mass destruction, killing someone every five seconds and affecting 16 per cent of the world's population. Cuba called on all Member States to support the draft resolution and adopt it by consensus.

Draft resolution A/C.3/59/L.65 on respect for the right to universal freedom of travel and the vital importance of family reunification

27. **Mr. Cumberbatch** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Nigeria. The complex interplay of cause and effect surrounding cross-border movements of individuals and groups meant that family ties were a sensitive issue for migrants. In that context, unilateral efforts to define the family were a cause for great concern and the draft resolution addressed, inter alia, the issue of legislation that discriminated against migrants by hindering or preventing family reunification. Accordingly, he urged delegations to support the draft resolution.

Draft resolution A/C.3/59/L.66 on respect for the purposes and principles contained in the Charter of the United Nations to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms and in solving international problems of a humanitarian character

28. **Ms. Pérez** (Cuba) introduced the draft resolution on behalf of the sponsors, joined by Angola, Belarus, Burkina Faso, Cameroon, the Congo, Eritrea, Ethiopia, the Islamic Republic of Iran, Kenya, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Malawi, Myanmar, Namibia, Nigeria, Pakistan, Saint Lucia, the Sudan, Venezuela and Zimbabwe. She drew delegations' attention to paragraphs 3 bis and 3 ter, which highlighted the central role of the United Nations and respect for the principle of multilateralism in dealing with threats to international peace and security, and called on States to refrain from resorting to unilateral coercive measures to exert pressure on other States. Cuba urged all delegations to support the draft resolution.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

Draft resolution on the situation of human rights in Myanmar (A/C.3/59/L.49)

29. **The Chairman** drew attention to document A/C.3/59/L.76 containing the programme budget implications of the draft resolution. France and Monaco should be added to the list of sponsors; and the Republic of Moldova had withdrawn its sponsorship.

30. **Mr. Hof** (Netherlands), speaking on behalf of the European Union and of the sponsors, expressed his appreciation to the delegation of Myanmar for its constructive attitude during the informal consultations on the draft resolution. The late issuance of the statement of programme budget implications was regrettable; and it was hoped that deadlines would be respected in the future. Adoption of the draft resolution without a vote would be proof of the interest of the international community in the future of the people of Myanmar. The Republic of Korea and Switzerland had joined the sponsors.

31. **Mr.** Kyaw Tint **Swe** (Myanmar) said that the report of the Secretary-General on the situation of human rights in Myanmar (A/59/269) had revealed that the main focus was not on human rights but rather the political situation in his country, and indicated the views of some powerful States on its democratization process. The real aim of the draft resolution was to put in power a certain person and political party. The draft resolution was based on unsubstantiated allegations by insurgent and anti-Government groups and was a blatant attempt to interfere in Myanmar's domestic political process by politicizing human rights.

32. On 30 August 2003, Myanmar had announced a seven-step political programme for a transition to democracy. The first step, the reconvening of the National Convention, had taken place in May 2004. Following a successful first session, which had focused on power sharing, preparatory work for a second session had begun. The National Convention would draft a new Constitution to be submitted for a nationwide referendum, which would be followed by elections. The draft resolution not only failed to take those positive developments into account, but also attempted to dictate parameters for the next session of the National Convention in paragraph 3 (b) and (m).

33. Paragraphs 2 (a) and 3 (a) of the draft resolution referred to systematic violations of human rights. There were no such violations taking place in Myanmar. Paragraph 2 (d) expressed concern that the Special Envoy and the Special Rapporteur had not been allowed to visit the country, yet Myanmar had allowed both to make multiple visits over the past four years. Since the adoption of the previous resolution by the General Assembly in 2003, the Special Envoy had visited Myanmar twice. Cooperation with the United Nations was a cornerstone of its foreign policy, and it had accepted those visits out of good will, but they were not to be used as occasions to intrude into its domestic political process.

34. The draft resolution, in paragraph 3 (c), also called on the Government to respect the results of elections held 14 years earlier. However, the Government was resolute in its determination to implement the seven-step road map. Paragraph 3 (j) called on the Government to put an end to the recruitment and use of child soldiers, once again ignoring the fact that there was neither a draft nor forced conscription in the country. Furthermore, no United Nations agency operating in Myanmar had verified the alleged recruitment of minors, although the recruitment of child soldiers was a practice of some insurgent groups. A high-level committee for the prevention of military recruitment of under-age children had been established and a plan of action adopted, which included cooperation with UNICEF. Paragraph 3 (k) blatantly politicized the provision of humanitarian assistance, while there was no humanitarian crisis in Myanmar.

35. As in previous years, the draft resolution was intrusive and lacked objectivity, impartiality and non-selectivity. His delegation, therefore, totally rejected all the unfounded allegations that it contained and dissociated itself from it.

36. **Mr. Sar** (Cambodia) said that the questions addressed in the draft resolution pertained to the internal affairs of a sovereign State. The situation of human rights in any country should be addressed through a cooperative approach and with objectivity, impartiality, non-selectivity and transparency. Furthermore, all positive developments for the promotion and protection of human rights should be fully acknowledged. In that regard, his delegation was pleased to note that the Government of Myanmar had established a high-level committee for the prevention of military recruitment of under-age children and was cooperating with the High Commissioner for Refugees, the International Committee of the Red Cross, UNICEF, the Committee on the Rights of the Child and other international human rights organizations. The recent summit of the Association of Southeast Asian Nations (ASEAN) had viewed the road map towards democracy as a pragmatic approach deserving understanding and support. Those countries believed that sanctions would not work, as they would not help to achieve the goal of ensuring the well-being of the people.

37. **Mr. Osmane** (Algeria) said that cooperation on human rights required an honest and sincere partnership that avoided hegemony and selectivity. The drafting of country-specific resolutions was a regrettable process that did not advance the cause of human rights. Myanmar had made significant progress and had begun its transition to democracy. It thus deserved the understanding and encouragement of the entire international community.

38. **Mr. Cumberbatch** (Cuba) said that his delegation would not participate in the consensus on the draft resolution, as such a selective and discriminatory exercise did not contribute in any way to true cooperation in the area of human rights.

39. **Mr. Aydogodyev** (Turkmenistan) said that, guided by the Durban Declaration of the Movement of Non-aligned Countries, his delegation believed that the human rights situation in any country should be addressed only through a cooperative approach and with objectivity, impartiality, non-selectivity and transparency. Turkmenistan supported the position of Myanmar on the draft resolution and its efforts to promote the human rights of all its people.

40. **Ms. Pham Thi Kim Anh** (Viet Nam) said that only through dialogue, cooperation and respect for the principle of non-interference in the internal affairs of States could the cause of human rights truly be advanced. Specific country resolutions like the one on the situation of human rights in Myanmar ran counter to her delegation's fundamental position. Viet Nam hoped that the national reconciliation process in Myanmar would soon be successfully concluded and stressed that the international community should encourage rather than complicate the process.

41. **Mr. Hayee** (Pakistan) said that his delegation opposed draft resolution A/C.3/59/L.49 and country-specific resolutions on principle, as they tended to alienate the country in question and caused unnecessary ill will.

42. **Mr. Sinaga** (Indonesia) said that country-specific resolutions were counterproductive and that dialogue was more constructive in persuading countries to improve their human rights standards.

43. **Mr. Taranda** (Belarus) said that his delegation would join the consensus on the draft resolution, on the understanding that its position regarding country-specific resolutions remained unchanged. Belarus was against the artificial politicization of the Committee's work and called for a non-confrontational approach to the consideration of human rights issues. It supported the efforts of the Government of Myanmar to strengthen democracy and human rights.

44. **Ms. Garcia-Matos** (Venezuela) said that her delegation did not agree with the policy of individual and selective condemnation of certain countries, as it ran counter to the provisions of the Charter concerning non-interference in the internal affairs of States.

45. **Ms. Ahmed** (Sudan) said that the basic position of her delegation was to reject the politicization of human rights issues and the selectivity and double standards applied in the case of country-specific resolutions.

46. **The Chairman** said he took it that the Committee wished to adopt the draft resolution without a vote.

47. *Draft resolution A/C.3/59/L.49 was adopted.*

48. **Ms. Plaisted** (United States of America), explaining her delegation's position, said that the United States was concerned about the presentation of the programme budget implications of draft resolution A/C.3/59/L.49 in document A/C.3/59/L.76, which had been submitted late. She hoped that in future there would be greater opportunity for budgetary consultations on the draft resolution. The situation in Burma had deteriorated significantly since the General Assembly had last formally addressed the question. Her delegation remained deeply concerned about the continued detention and well-being of Daw Aung Sang Suu Kyi, the failure of the Government to permit the National League for Democracy to open its offices nationwide and operate freely, and its refusal to release more than 1,000 political prisoners. The Burmese people's desire for genuine national reconciliation and the establishment of democracy must be respected.

49. **Mr.** Kyaw Tint **Swe** (Myanmar), speaking on a point of order, said that he would be grateful if the representative of the United States of America would refer to his country by its proper name, Myanmar.

50. **Ms. Plaisted** (United States of America), continuing her statement, urged the international community to consider steps to further strengthen sanctions and hoped that the Secretary-General would remain focused on the deplorable human rights situation in Burma and that that would encourage

greater cooperation by the international community on the issue. She urged the Burmese authorities to allow the Secretary-General's Special Envoy and the Special Rapporteur of the Commission on Human Rights to return to the country without delay.

51. **The Chairman** reminded the representative of the United States that only the official country names of States Members of the United Nations should be used during the Committee's proceedings.

52. **Ms. Hastaie** (Islamic Republic of Iran), supported by Zimbabwe, said that her delegation shared the Committee's consensus on the situation of human rights in Myanmar, but was opposed to country-specific resolutions in general, because they were based on bias, selectivity and partiality.

53. **Mr. Xie** Bohua (China) said that the Government of Myanmar had in recent years cooperated actively with the relevant United Nations human rights agencies and the International Committee of the Red Cross (ICRC) and had invited the Secretary-General's Special Envoy to visit Myanmar on many occasions. The Government of Myanmar was open-minded on the question of human rights and other related issues, and the Committee should encourage and recognize that.

54. **Mr. Vixay** (Lao People's Democratic Republic), supported by Nepal and India, said that the draft resolution failed to reflect positive developments in Myanmar, especially the efforts of its Government to achieve national reconciliation through its seven-step road map, which deserved the Committee's understanding and support, as it would involve all sectors of society in the reconciliation process. The draft resolution should reflect that reality if its intention was to serve the best interests of the people of Myanmar.

55. **Ms. Al Haj Ali** (Syrian Arab Republic) said that the approach taken to the human rights situation in individual countries must not be politicized and must not involve double standards or selectivity. Instead, it should be informed by a desire for cooperation, constructive dialogue and objectivity, and should take account of the historical, religious and cultural specifics of the country in question.

Draft resolution A/C.3/59/L.55 on the situation of human rights in Belarus*

56. **Ms. Plaisted** (United States of America), introducing the draft resolution on behalf of the sponsors, joined by Andorra, Australia, Bulgaria, Croatia, Cyprus, Hungary, Iceland, Malta, the Marshall Islands, Spain, Switzerland and Turkey, said the last line of paragraph 2, subparagraph (d), should be revised to read "Russian First Channel (ORT), RenTV, NTV and the Associated Press". The United States and the European Union had introduced the draft resolution as a result of persistent concerns regarding serious ongoing violations of human rights in Belarus. Belarus had failed to heed resolutions passed by strong majorities in the Commission on Human Rights, and the authors had concluded that a General Assembly resolution in the Third Committee was called for in order to emphasize to the Government of Belarus that it must begin to take its international human rights commitments seriously and to reinforce to the people of Belarus the international community's solidarity with them.

57. **Mr. Dapkiunas** (Belarus) said his delegation did not accept the draft resolution either in form or in content and strongly urged the authors to abandon the practice of manipulating human rights issues for political purposes. Such an approach ran counter to the spirit of revitalization of the work of the Committee and to the efforts made by the majority of delegations to avoid politicization. Belarus stood for constructive dialogue and the kind of cooperation that aimed at assisting governments in complying with their obligations in the field of human rights. It opposed all steps that unjustifiably ostracized and alienated individual Member States.

58. **Mr. Cumberbatch** (Cuba) said the main violators of human rights throughout the world set themselves up as judges of others. Cuba opposed such a selective and discriminatory attitude, which reflected, neither a genuine concern for the situation of human rights in Belarus nor a sincere intention to promote effective, non-selective cooperation in the field of human rights, and constituted gross interference in that country's internal affairs.

Agenda item 93: Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (*continued*)

Draft decision on the outcome of the ten-year review of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly (A/C.3/59/L.16)

59. **The Chairman** said that the draft decision had no programme budget implications.

60. **Mr. Ndimeni** (South Africa), speaking on behalf of the Group of 77, said that the sponsors had decided to withdraw the draft decision, as, following consultations, the proposals contained therein had been successfully incorporated into draft resolution A/C.3/59/L.17 entitled "Implementation of the outcome of the World Summit for Social Development and of the twenty-fourth special session of the General Assembly", introduced by Chile.

61. *Draft resolution A/C.3/59/L.16 was withdrawn.*

Agenda item 103: Elimination of racism and racial discrimination (*continued*)

Draft resolution A/C.3/59/L.71 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

62. **Mr. Al-Motawa** (Qatar), speaking on behalf of the Group of 77 and China, introduced the draft resolution, which would serve to guide the intersessional work of the Commission on Human Rights and its subsidiary working groups in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action. It should be recalled that the International Convention on the Elimination of All Forms of Racial Discrimination made no provision for xenophobia and related intolerance, the newest manifestations of racism, which in most cases assumed violent forms. The draft resolution sought to impress upon the Commission on Human Rights and its relevant subsidiary structures the paramount need to elaborate complementary international standards to combat them.

63. The draft resolution would also decide to request the Office of the High Commissioner for Human Rights to convene a high-level seminar to produce a conclusive list of the areas where gaps existed and for which complementary standards were necessary and to present concrete proposals on the proposed additional protocol to the International Convention. The text also welcomed the determination of the High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make it a cross-cutting issue in the activities and programmes of her Office. The Group of 77 and China were satisfied with the leadership role played by the General Assembly in ensuring that the mechanisms employed for follow-up to the World Conference were effective and addressed the question of the responsibility of States to protect the victims of racism.

Agenda item 104: Right of peoples to self-determination (*continued*)

Draft resolution A/C.3/59/L.68 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

64. **Mr. Cumberbatch** (Cuba), introducing the draft resolution on behalf of the sponsors, said that the use of mercenaries continued to be an obstacle to the full realization of the right of peoples to self-determination, and to be used to interfere in the internal affairs of States, especially third world countries. The draft resolution encouraged the new Special Rapporteur on the question of the use of mercenaries to continue and further advance the valuable work done and the important contributions made by her predecessor. It also requested her to circulate to and consult with States on the new proposal for a legal definition of a mercenary drafted by her predecessor, and to report her findings to the Commission on Human Rights and the General Assembly. It condemned recent mercenary activities in Africa, as well as any form of impunity granted to perpetrators of mercenary activities, and urged all States, in accordance with their obligations under international law, to bring them, without distinction, to justice. Lastly, he pointed out that the Comoros, the Democratic Republic of the Congo, Eritrea, the Libyan Arab Jamahiriya, Malawi, Pakistan, Togo, Venezuela and Zambia had joined the sponsors of the draft resolution

65. **The Chairman** said that Botswana and Kenya had also joined the sponsors of the draft resolution.

66. **Mr. Rehren** (Chile) said that, although his delegation was listed in document A/C.3/59/L.68 among the sponsors of the draft resolution, it was not in fact a sponsor.

The meeting rose at 1.15 p.m.